THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3887 of 2007

15.3.2007

Between:

Smt.Siddula Laxmamma, W/o.Siddula Narsimulu

... Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

... Respondents

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ORDER:

The petitioner filed the present writ petition seeking a direction to respondents to take necessary action under Section 12-A of the A.P. Land Encroachment Act, 1905, and Section 4 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner was assigned land admeasuring Acs.4.06 gts in survey No.305/EE by the fourth respondent in proceedings dated 22.10.1992 from out of the surplus land declared under Ceiling Laws. The petitioner alleges that the land in survey No.307/EE was sold by her husband to Lambadi Shanker in 1995-1996 who in turn sold the said patta land to Poguganti Saraswathi in 2000. The petitioner alleges that in 2003 her husband met with an accident and petitioner was forced to stay in Hyderabad till 2004. When she went back to resume agricultural activities she found Saraswathi encroached upon the land in survey No.305/EE. Persuasion by the petitioner for vacating the land proved in vain. Therefore, the petitioner filed O.S. No.6 of 2005 on the file of the Court of the Junior Civil Judge, Narsapur, Medak District, for recovery of possession, which is still pending. She alleges that the encroacher Saraswathi managed revenue records in her name. Therefore, the petitioner made representations on 28.4.2005 and 14.11.2005 requesting the third respondent to delete the name of Ponuganti Saraswathi from column No.13 of the pahani, in vain. Therefore, the present writ petition is filed seeking direction to the respondents to dispose of the representations.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court finds force in the submission of the learned Assistant Government

Pleader that the writ petition is not maintainable. The petitioner alleges that the land assigned in favour of her husband was encroached upon by Saraswathi. She also submits that she filed a suit for recovery of the said land. When the suit was pending before the civil Court, the petitioner cannot insist that her representations should be considered for resumption of the land. Probably, pending the suit, she might be trying to create evidence, which is not permissible. Secondly, when Mandal Revenue Officer is proper authority for correcting the entries in the revenue records, the representation is made to the District Collector and the Revenue Divisional Officer, who cannot be issued any direction. The petitioner pay therefore seek appropriate summons to authorities for production of records in the trial of the suit. In this writ petition no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

March 15, 2007.
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